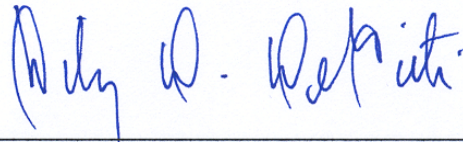


jurisdiction and does not object to the request to remand.¹ She contends that dismissal is inappropriate.

Pursuant to Fed. R. Civ. P. 28 U. S. C. § 1447(e), where a non-diverse party has been added by amendment, the Court may remand the action. *See McPhail v. Deere & Co.* 529 F. 3d 947, 951 (10th Cir. 2008); *Brewer v. United Parcel Service, Inc.*, 2005 WL 3277774, at *3 (10th Cir. Dec. 2, 2005). Having considered the parties' arguments and the applicable law, the Court concludes that the Motion to Remand [Doc. No. 48] should be, and is, GRANTED. Accordingly, the Court need not address Defendant's alternative argument.

IT IS SO ORDERED this 21st day of August, 2009.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

¹Although Plaintiff states that she prefers that the case remain in this Court, she expressly agrees that subject matter jurisdiction has been destroyed. *See* Response [Doc. No. 49] at ¶ 10.